

REMARKS

Claim 26-28 has been cancelled. Claims 1, 2, 10, 16, and 22 have been amended to clarify the subject matter regarded as the invention. New Claims 29-31 have been added. Claims 1-25 and 29-31 are pending.

Claim Objections

The Examiner has objected to Claim 22 as being informal. The rejection is respectfully traversed. A computer-readable storage medium is indeed disclosed in the Specification. For example, and without limitation, Paragraph [0028] of the Specification recites that a storage input device 170 “such as a floppy disk drive or CD-ROM drive” accepts “computer program products” such as “a floppy disk or CD-ROM or other nonvolatile storage media that may be used to transport computer instructions.” Applicants respectfully request that the Examiner withdraw the objection to Claim 22 accordingly.

Claim Rejections – 35 U.S.C. §112

The Examiner has rejected Claims 16-21 under 35 U.S.C. §112, second paragraph. The rejections are respectfully traversed. Examples of corresponding structure may be found, without limitation, in Figure 1, and paragraphs [0027]-[0030] of the Specification. Applicants respectfully request that the Examiner withdraw all rejections of the Claims under 35 U.S.C. §112, second paragraph, accordingly.

Claim Rejections – 35 U.S.C. §101

Claim 22 has been amended in a manner believed to overcome the Examiner’s rejection of that claim under 35 U.S.C. §101. Claims 23-25 depend from Claim 22 and the Examiner’s rejection of those claims is therefore also believed to have been overcome.

The Examiner has also rejected Claims 10-15 and 16-21. Those rejections are respectfully traversed.

Regarding Claims 10-15, the Examiner states that the claims have “limitations that is similar to those of claim 22, thus it is rejected with the same rationale applied against Claim 22 above.” Unlike Claims 22-27, which recite computer program products, Claims 10-15 recite methods. As the Examiner has acknowledged in her recitation of 35 U.S.C. §101, a “useful process” is statutory subject matter. Accordingly, Applicants respectfully traverse Examiner’s rejections of Claims 10-15, and further request that, should the Examiner maintain a rejection of Claims 10-15 under 35 U.S.C. §101, the Examiner make explicit the particular rationale, as Claims 22-27 and Claims 10-15 recite two **different** types of statutory subject matter and Applicants are unable to determine how “same rationale” applies.

Regarding Claims 16-21, the Examiner again states that the claims have “limitations that is similar to those of claim 22, thus it is rejected with the same rationale applied against claim 22 above.” Unlike Claims 22-27, which recite computer program products, Claims 16-21 recite apparatuses. As the Examiner has acknowledged in her recitation of 35 U.S.C. §101, a “useful ... apparatus” is statutory subject matter. Accordingly, Applicants respectfully traverse Examiner’s rejections of Claims 16-21, and further request that, should the Examiner maintain a rejection of Claims 16-21 under 35 U.S.C. §101, the Examiner make explicit the particular rationale, as Claims 22-27 and 16-21 recite two **different** types of statutory subject matter and Applicants are unable to determine how “same rationale” applies.

Applicants respectfully request that the Examiner withdraw all rejections of the Claims under 35 U.S.C. §101 accordingly.

Claim Rejections – 35 U.S.C. §102(e) & §103(a)

The Examiner has rejected Claims 1-27 under 35 U.S.C. §102(e) as being anticipated by Liang (U.S. Patent No. 7,062,553) and has also rejected Claims 1-9 under 35 U.S.C. §103(a) as being unpatentable over Liang (U.S. Patent No. 7,062,553), in further view of Colson (U.S. 2003/0128229). The rejections are respectively traversed.

Applicants maintain, per the Remarks of Amendment C, that neither Liang, nor Colson, whether considered individually or in combination, disclose quantifying damages avoided by one or more blocked attacks. The Examiner appears to construe “quantify” to mean “determine” and

states that Liang discloses “quantifying damages avoided...” at 2:66-3:19. Applicants respectfully disagree. That portion of Liang states:

A further embodiment according to the invention for finding a virus is by searching the modification sections in files of the network system. Initially, the system finds a modified file in a predetermined time interval. The system then determines a first plurality of modified sections of the modified file. The system finds a second modified file in the predetermined time interval. Next, the system determines a second plurality of modified sections in the second file. The system compares the first modified file against the second modified file. The process is repeated for other files being modified in the predetermined time period. The management server receives info on the conditions of the virus infection. If no virus is found, i.e., all the modified sections from different modified files are not identical nor similar, then the process comes to the end. Otherwise, the management server is informed that there is possibly attack a virus is when modified sections from different modified files are identical or similar. The system accordingly quarantine an area containing device nodes having files with the modified sections. Finally, the system transfers an antivirus task into said the quarantine area for finding and eradicating the virus.

Applicants are unable to locate in that portion of Liang, any mention of “quantifying” – e.g., “determining one or more quantities” of – **damages avoided** as recited in independent Claims 1, 10, 16, and 22. Instead, that portion of Liang appears to recite a process for determining whether a virus is present by examining modified files. Claims 1, 10, 16, and 22 are therefore believed to be allowable.

Claims 2-9, 11-15, 17-21, 23-26, and 29-30 depend from one of the aforementioned independent claims and are believed to be allowable for the same reasons described above. The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

New Claims

Support for new dependent Claim 29 may be found, without limitation in paragraph [0039] of the Specification.


Support for new dependent Claim 30 may be found, without limitation in paragraphs [0038]-[0039] of the Specification.

Support for new dependant Claim 31 may be found, without limitation, in Figure 3 of the Specification (e.g., "Sendmail: 15" and "Worm: 3").

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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